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COMMEMORATION OF THE FIFTIETH ANNIVERSARY
OF THE UNITED NATIONS IN 1995

Letter dated 10 July 1995 from the Permanent Representatives
of Nicaragua and Solomon Islands to the United Nations
addressed to the Secretary-General

Upon instructions from our respective Governments, we have the honour to transmit herewith for official distribution, a document entitled: "A message in commemoration of the fiftieth anniversary of the signing of the Charter of the United Nations", by H.E. Lee Teng-hui, President of the Republic of China, dated 26 June 1995:

"A MESSAGE IN COMMEMORATION OF THE FIFTIETH ANNIVERSARY
OF THE SIGNING OF THE CHARTER OF THE UNITED NATIONS"

"As the year 1995 marks the fiftieth anniversary of the signing of the Charter of the United Nations, countries all over the world are commemorating this significant event exalting the principles and spirit of peace, equality, justice and development enshrined in the Charter. Taking this opportunity, I would like to express my highest commendation and respect for the endeavours and accomplishments made by the United Nations in the fields of global social development, international humanitarian assistance and world peace and security.

"Half a century ago, when the statesmen of the world assembled in San Francisco to put the Charter into its final shape, it was hoped that a universal and effective international organization would be founded to free human beings from the scourges of war, poverty, disease, ignorance and oppression, and that it could ensure peace, prosperity and justice for the world.

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"When the United Nations came into being in 1945, the Republic of China was proud to be one of its founding members and a permanent member of its Security Council. This support for the United Nations has continued unabated. In the chapter on 'Fundamental National Policies' of its Constitution, the Republic of China has made it clear that 'the foreign policy of the Republic of China ... shall respect ... the Charter of the United Nations'. During its 26 years of participation in the United Nations, my country endorsed the efforts for self-determination and independence of the emerging new States and their peoples and supported international cooperation in the economic, social, cultural, educational and health areas.

"However, resolution 2758 (XXVI), adopted by the General Assembly at its twenty-sixth session in 1971, forced the Republic of China to withdraw from the United Nations family. That resolution provided only for the United Nations representation of the Chinese people on the Chinese mainland. It ignored the fundamental rights of the 21 million residents on Taiwan, Penghu, Kinmen and Matsu - areas under the jurisdiction of the Republic of China - and deprived them of the right to participate in the political, economic, cultural and social development activities within the United Nations system. This aberrant situation, which has lasted for 24 years, is at variance with the principles and spirit of the Charter. It is high time for the United Nations to face this issue seriously and search for a solution.

"In fact, the Republic of China has been a sovereign State since its establishment in 1912. Although, as a result of civil war and the founding of the People's Republic of China on the Chinese mainland in 1949, the Government of the Republic of China for the time being can exercise effective control over only Taiwan, Penghu, Kinmen and Matsu, the Republic of China still maintains its international personality as a sovereign State.

"The Republic of China on Taiwan and its 21 million people have been committed to achieving political democratization and economic prosperity and maintaining diplomatic and substantive ties with other countries as an active member of the international community. Forty-odd years of development have made this country the world's fourteenth largest trading nation. To date its gross national product ranks nineteenth in the world; its per capita national income approximates US$ 12,000; its foreign exchange reserves have passed US$ 100 billion; and it is the sixth largest outbound investor.

"The Government of the Republic of China has also devoted itself to political and constitutional reform in a peaceful, step-by-step manner. My country in the past few years has had the direct elections of parliamentarians, the governor of Taiwan province and the mayors of Taipei and Kaohsiung cities. In March 1996, the president will also be directly elected by the people. With that, the ideal of 'putting sovereign power in the hands of the people' will become a reality.

"With such political, economic and social developments, the Republic of China on Taiwan has a strong desire, and sufficient capability, to reciprocate for what it has received from the international community, and to fulfil its international responsibilities in order to contribute to global peace and prosperity.

"If it can participate fully in the activities of the United Nations and other international organizations, the Republic of China with its ample capital, expertise and experience, will be able to assist further in the development of other countries through the United Nations and its related development programmes. This will assuredly benefit the international community as a whole. Currently, since this country is not a member of the United Nations, its good will all too often cannot be fulfilled and demonstrated. By the same token, my country has been prevented from making further contributions to the resolution of international issues such as environmental protection and drug prevention. From this perspective, the exclusion of the Republic of China from the United Nations and other international organizations constitutes a significant loss to the international community.

"It is a fact that China has since 1949 been divided into two separate parts along the Taiwan Straits. They are under separate jurisdictions by the Governments of the Republic of China and the People's Republic of China. Though the Government of the People's Republic of China exercises jurisdiction over the Chinese mainland, it must be noted that its jurisdiction has never, for a single day, extended to Taiwan, Penghu, Kinmen and Matsu, which are under the governance of the Government of the Republic of China.

"It is therefore reasonable to demand that prior to the unification of China, our 21 million people should not be deprived of their fundamental right to participate in international activities. The Republic of China on Taiwan is also entitled to its own representation in the United Nations. The precedents of the former States of East Germany and West Germany, and the current case of North Korea and South Korea, demonstrate that parallel participation of divided nations in the United Nations does not impede their eventual unification. We believe that, the more the two sides of the Taiwan Straits participate equally in international organizations, the more this will help to ease the hostility between them. Mutual confidence will be built thereby, and will help develop a cordial relationship and be conducive to peaceful unification.

"To date, as the cold war has ended and a new world order is emerging, the Republic of China's campaign for participation in the United Nations and other international organizations not only reflects the common aspiration of its people to join international society, but it also exemplifies its willingness to work with other countries for our common cause. In retrospect, the Republic of China as a founding member of the United Nations had played a very positive, constructive role during its 26-year-long ties with the world body. Even after it was forced out in 1971, my country has still been upholding the principles and spirit of the Charter in playing its due part as a responsible member of the

international community. Indeed, as a peace-loving State, the Republic of China is able and willing to carry out the obligations contained in the Charter.

"As the United Nations celebrates the fiftieth anniversary of the signing of the Charter, and at a time when the international community is becoming more pluralistic and interdependent in the post-cold war era, the maintenance of global peace and prosperity and the principle of preventive diplomacy, which encourages reconciliation, have become even more pronounced. Based on these principles, the United Nations should endeavour to seek a solution to the unjust situation of the inability of the Republic of China to play a part in the conferences and activities of the United Nations.

"To support the Republic of China's United Nations bid would not only restore the fundamental rights of the 21 million residents of the Taiwan area, but it would also serve as a testament to the lofty goals and ideas contained in the Charter, thus effectuating the principle of international justice. More important, it would also mark recognition of a free democracy.

"The Republic of China looks forward to working hand in hand with other States Members of the United Nations to fulfil the visions of the San Francisco Conference and to help build a world of peace, prosperity and stability."

Concurrently, Your Excellency will also find the transcription of a letter dated 26 June 1995 from H.E. Fredrick F. Chien, Minister for Foreign Affairs of the Republic of China, addressed to the Foreign Ministers of Nicaragua and Solomon Islands:

"On this day when the United Nations celebrates the fiftieth anniversary of the signing of the Charter of the United Nations, I would like to request, on behalf of the Government and the people of the Republic of China on Taiwan, that your Government take appropriate action to support the review of the inequities of General Assembly resolution 2758 (XXVI) in the United Nations.

"In October 1971, at its twenty-sixth session, the General Assembly adopted resolution 2758 (XXVI) and handed over China's seat to the People's Republic of China, forcing the Republic of China to withdraw from the United Nations.

"That resolution does not constitute either a comprehensive or a just solution to the question of representation of the Chinese people in the United Nations that arose from China's division in 1949. It provides only for the representation in the United Nations of Chinese people on the Chinese mainland - the territory under the jurisdiction of the People's Republic of China. But it deprives the 21 million inhabitants on Taiwan, Pescadores, Quemoy and Matsu area - the territory under the jurisdiction of the Republic of China - of the right to participate in the conferences and activities within the United Nations system.

"Since its establishment in 1912, the Republic of China has been a sovereign State. Although the Government of the Republic of China was forced to relocate in Taiwan, Pescadores, Quemoy and Matsu area as a result of the Chinese civil war in 1949, and to withdraw from the United Nations in 1971, the Government of the Republic of China has always endeavoured to implement political democratization and economic development.

"Currently, the Republic of China maintains diplomatic relations and substantive ties with many other countries in the world, its international personality continues and its status as a sovereign State has never been disrupted. As the legitimate representative of the people under its governance, the Republic of China on Taiwan has the right to participate in the United Nations.

"In the nearly half a century since its establishment in 1949, the People's Republic of China has never, even for a single day, exercised jurisdiction over Taiwan and its adjacent islets. The Taiwan area definitely is not a component part of the People's Republic of China and the People's Republic of China is in no position to represent the 21 million people in the Taiwan area in the United Nations.

"During its 26 years' stay in the United Nations, the Republic of China supported the ideals of the United Nations and played a positive and constructive role. Even in the two decades following its withdrawal from the United Nations, the Republic of China on Taiwan continues to follow the purposes and principles of the United Nations Charter, and has always fulfilled her obligations as a responsible member of the international society.

"A peace-loving State, the Republic of China is able and willing to carry out the obligations contained in the Charter. The inscription 'to respect the Charter of the United Nations' in article 141, chapter XIII, Fundamental National Policies, of the Republic of China's Constitution serves to demonstrate the Republic of China's strong support for the United Nations.

"The purpose of the Republic of China's bid is to secure for itself the right to participate fully in the activities of the international organizations, with the proper status that it deserves. It also intends to ensure the protection and respect of the rights of the 21 million people in Taiwan area within the international community. However, it does not intend to challenge the seat currently held by the People's Republic of China in the United Nations.

"At a time when the United Nations is observing its fiftieth anniversary, and when a new world order is evolving, the accommodation of the Republic of China in the United Nations would not only highlight the ideas and spirit of the Charter, it would also conform to the principle of preventive diplomacy.

"As the support of your country for the ideals and spirit of the United Nations is well known, it is requested that your Government make an

intervention in the general debate of the General Assembly and related meetings in support of the review of the aberrant situation relating to the Republic of China.

"We also respectfully request that your Government support the inclusion of the item regarding the Republic of China's United Nations bid in the agenda of the General Assembly. It is our hope that the issue can be openly and thoroughly discussed in the General Assembly, and that the situation of the inability of the Republic of China's 21 million people to participate in the activities and agencies in the United Nations system may finally be redressed."

Taking into account the contents of the two aforementioned texts and in accordance with the rules of procedure of the General Assembly, we kindly request that the present letter be circulated as a document of the forty-ninth session of the General Assembly, under agenda item 44.

(Signed) Erich Vilchez ASHER
Ambassador
Permanent Representative
of Nicaragua

(Signed) Rex Stephen HOROI
Ambassador
Permanent Representative
of Solomon Islands

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Agenda item 107

PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Review of travel and related entitlements for members of organs and subsidiary organs and staff members of the United Nations

Standards of accommodation for air travel

Report of the Advisory Committee on Administrative and Budgetary Questions

I. INTRODUCTION

1. The Advisory Committee has considered three reports of the Secretary-General: the review of travel and related entitlements for staff members of the United Nations (A/C.5/48/83), the review of travel and related entitlements for members of organs and subsidiary organs and staff members of the United Nations (A/C.5/48/14); and the standards of accommodation for air travel (A/C.5/48/3). In the course of the Committee's deliberations, the representatives of the Secretary-General provided additional information to the Committee.

II. REVIEW OF TRAVEL AND RELATED ENTITLEMENTS FOR STAFF MEMBERS OF THE UNITED NATIONS

2. In paragraphs 1 to 4 of his report contained in document A/C.5/48/83, the Secretary-General provides background information on the issue of travel and related entitlements for staff members of the United Nations; as stated therein, the Secretary-General submitted to the General Assembly at its forty-seventh session a report (A/C.5/47/61) that dealt with travel and related entitlements

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for members of organs and subsidiary organs. The Secretary-General stated in the report that efforts were under way to have the issue of travel standards of staff members considered on an inter-agency basis by placing it on the agenda ofthe Consultative Committee on Administrative Questions (CCAQ), and that he therefore considered it advisable to postpone to the forty-eighth session of the Assembly the submission of recommendations with regard to travel of staff members. By its decision 47/460, the General Assembly agreed with the proposal of the Secretary-General. In addition to its earlier requests, the General Assembly, in its resolution 48/228 requested the Secretary-General to submit proposals during the forty-eighth session on the provision of and related arrangements for travel services and allowances, with a view to making more effective use of resources, taking into account the practices of Member States.

3. In section I, paragraphs 5 to 10, of his report (A/C.5/48/83), the Secretary-General outlines the current provisions and rules governing the standard of accommodation for air travel by staff members of the United Nations. The Committee notes from paragraphs 7, 8 and 9 of the report that, while the basic standard of accommodation for air travel is economy class at the least costly airfare structure regularly available, higher standards may apply depending upon the rank of the traveller, the duration of the trip and the purpose of the travel. Under-secretaries-general and assistant secretaries-general and, where applicable, their eligible family members are provided with travel accommodation "in class immediately below first class for travel on official business, on appointment, transfer or separation, for home-leave and family-visit travel, irrespective of the duration of a particular flight". Staff members below the assistant secretary-general level are provided with transportation "at the least costly airfare structure regularly available or its equivalent" and only for flights exceeding a duration of nine hours is accommodation provided "in the class immediately below first class for travel on official business". The Committee believes that the nine-hour threshold should be reviewed by the Secretary-General in the light of all relevant factors and the results of the review, together with the related proposals, should be included in the next report of the Secretary-General on the standards of travel.

4. The Committee points out that, while the formula "the least costly airfare structure regularly available or its equivalent" seems to provide rather objective criteria for determining the standards of accommodation for air travel, the definition "the class immediately below first class" leaves, in the view of the Committee, too much room for interpretation as to what exactly the standard of air travel might be, especially considering the diversity in travel standards offered by various carriers. The Committee recommends, therefore, that the Secretary-General look into this matter with a view to identifying a more objective criteria for determining the standards of accommodation for air travel instead of the currently used "the class immediately below first class".

5. In response to inquiry, the Committee was informed that, since 1982, the contract for travel agency services at Headquarters (including the United Nations Development Programme and the United Nations Children's Fund) has been open to competitive bidding on three occasions. Most recently, in 1993, the Organization retained the services of a well-known travel consultant to draft a request for proposal, which contained stringent requirements concerning measurable performance standards and required that offers included a proposed

budget for the travel agency to permit a better understanding of the financial considerations with a view to maximizing the monetary gain for the Organization. As a result of the bidding exercise, the contract for travel agency services was awarded to American Express. The Secretariat has negotiated volume cash rebate arrangements with approximately 23 air carriers with which the Organization uses a high volume of service for official travel. In addition, negotiations have also been concluded with carriers for group travel to missions, conferences, etc.

6. Nevertheless, the Advisory Committee is of the view that there is scope for further improvements in the management of travel. The Advisory Committee trusts that the Secretary-General will consider application of various innovative techniques of dealing with air carriers, such as "pare-fare", with a view to improving the cost-effectiveness of travel arrangements.

7. The Advisory Committee recalls that, in its resolution 49/216 of 23 December 1994, the General Assembly endorsed the recommendations contained in the report of the Board of Auditors 1/ and requested the Secretary-General to continue to monitor closely the costs and benefits to the Organization of the lump-sum arrangements, including an analysis of the level of cash incentive provided to staff by the current 75 per cent procedure, and to make any necessary adjustment to ensure that the arrangements do not offer scope for abuse. The Advisory Committee recalls that in accordance with information circular ST/IC/1990/13 of 19 March 1990, staff members were authorized to choose an option to make their own travel arrangements and receive a lump-sum payment equivalent to 75 per cent of the cost of the full economy class fare by the least costly scheduled air carrier in lieu of the applicable travel and related entitlements on home leave, education grant and family visit travel.

8. In response to inquiry, the Advisory Committee was informed that, in accordance with circular ST/IC/1900/13/Amend.4 of 5 January 1995, the lump-sum option for home leave, family visit and education grant travel was extended to all such travel commencing prior to 31 December 1995. In addition, the review panel on the lump sum option (composed of representatives from various areas of the Secretariat) recommended revised record-keeping procedures with a view to collecting further data in a uniform standard. Any decision on the future of the option to be made at the end of 1995 will be based on the results of the analysis of the data collected at Headquarters and the various overseas offices. The Advisory Committee intends to follow up closely on the lump-sum option based on the information to be provided by the Secretary-General on the results of the review prior to the end of 1995.

III. REVIEW OF TRAVEL AND RELATED ENTITLEMENTS FOR MEMBERS OF ORGANS AND SUBSIDIARY ORGANS AND STAFF MEMBERS OF THE UNITED NATIONS

9. In section II, paragraphs 11 to 30, of his report (A/C.5/48/83), the Secretary-General provides a comparative review of travel standards of Member States and travel standards within the United Nations system. The Advisory Committee notes from paragraphs 36 and 37 of the report that the Secretary-General did not propose any revision of the current standards of

accommodation for air travel of staff members of the United Nations; the Secretary-General also suggested that the General Assembly might wish to refer the question of travel of staff of the United Nations common system to the International Civil Service Commission (ICSC) for further consideration. Although aware that travel standards are not covered by the common system, the Advisory Committee believes that ICSC can do valuable work in this regard for the consideration of this subject by various legislative organs. The Advisory Committee also points out that United Nations travel will be the subject of a report by the Joint Inspection Unit to be issued in 1995.

10. The report of the Secretary-General on the review of travel and related entitlements for members of organs and subsidiary organs and staff members of the United Nations (A/C.5/48/14) provides an update to his earlier report on this subject (A/C.5/47/61 and Corr.1). Annexes I and II to the later report of the Secretary-General contain an updated list of subsidiary bodies whose members are entitled to payment of travel and subsistence expenses for attendance at meetings. In this connection, the Advisory Committee recalls its conclusion reflected in paragraph 8 of its report contained in document A/46/748, namely, "that outstanding issues remain with regard to removing inconsistencies in the payment of subsistence allowance to members of certain organs and subsidiary bodies". The Committee points out that the inconsistencies have not been removed. The Committee also recalls that the Secretary-General, in paragraph 54 of his earlier report (A/C.5 47/61), made a number of suggestions in order to eliminate anomalies resulting from the current travel provisions.

11. Furthermore, the Secretary-General suggested in paragraph 55 of document A/C.5/47/61 that the General Assembly may wish:

(a) To examine its past decisions on the travel entitlements of representatives of the functional commissions of the Economic and Social Council nominated directly by their Governments;

(b) To provide clarification regarding the travel entitlements of members of the Commission on Crime Prevention and Criminal Justice;

(c) To address the issue of exceptional travel assistance to representatives from the least developed and other developing countries.

12. In paragraph 9 of document A/C.5/48/14, the Secretary-General also requested the General Assembly to consider at its forty-eighth session the question of the payment of travel expenses to the representatives in the Commission on Sustainable Development.

13. The Committee recalls that it had recommended that any decision of the General Assembly to extend the principle of limiting reimbursement of travel costs to representatives from least developed countries attending sessions of the General Assembly to the subsidiary organs of the General Assembly and the Economic and Social Council should apply only to bodies whose members participated as representatives of their Governments. 2/ The Advisory Committee reiterates its recommendation.

IV. STANDARDS OF ACCOMMODATION FOR AIR TRAVEL

14. Pursuant to General Assembly resolutions 44/442 of 21 December 1989, 45/248 A, section XIII, of 21 December 1990 and 45/450 of 20 December 1991, the report of the Secretary-General on standards of accommodation for air travel (A/C.5/48/3) covers the period from 1 July 1992 to 30 June 1993 and contains information on all expenditures by the United Nations for first-class air travel and on the meetings attended by eminent persons for whom exceptions have been made for first-class air travel.

15. Tables 2 and 3 of the Secretary-General's report summarize, by category of exception, the number of exceptions granted during the current and previous reporting periods, respectively; as noted in paragraph 10 of the report, "there has been a significant decrease in the total number of exceptions authorized, as well as in the additional cost involved". During the period under review, i.e. from 1 July 1992 to 30 June 1993, the Secretary-General authorized 66 cases of first-class travel and 69 cases of business-class travel as exceptions to the standards of accommodation; the total additional costs incurred as a result of these exceptions amounted to $149,553, which compares to a figure of $201,373 for the previous reporting period.

16. The Advisory Committee welcomes the reduction in the overall number of exceptions and their total costs during the period from 1 July 1992 to 30 June 1993, although it notes that the number of exceptions for travel by business class has increased during the same period from 58 to 69 and the related costs of such exceptions also increased from $34,566 to $37,556. The Committee was provided, upon request, with the following update summary of requests for exceptions to the standards of accommodation for air travel for the period from 1 July 1991 to 30 June 1994:

	1991-1992	1992-1993	1993-1994 a/
First class			
Approved	114	68	33
Not approved	2	2	5
Withdrawn	4	0	1
Subtotal	120	70	39
Business class			
Approved	58	75	56
Not approved	1	4	8
Withdrawn	8	0	2
Subtotal	67	79	66

	1991-1992	1992-1993	1993-1994 a/
Combined totals			
Approved	172	143	89
Not approved	3	6	13
Withdrawn	12	0	3
Total	187	149	105

a/ Does not include adjustments for ex post facto authorizations.

As can be seen from the table, the number of exceptions for first-class travel has decreased, exceptions for business-class travel decreased during 1993-1994 but remained essentially at the level of 1991-1992, although the number of requests not approved in this category has risen from one in 1991-1992 to four in 1992-1993 and to eight during 1993-1994. The Committee notes that the 1993-1994 data do not include ex post facto authorizations. The Advisory Committee finds no convincing justification for granting ex post facto exceptions and it recommends, therefore, that this practice be terminated.

17. The Committee notes from table 2 of document A/C.5/48/3 that, during the period from 1 July 1992 to 30 June 1995 about a half (64) of the total number of exceptions (135) were authorized for eminent persons. The Committee's review of the list of eminent persons in annex III to document A/C.5/48/3 demonstrated the need for clear criteria to determine the level of "eminency" of travellers. The Committee believes that criteria should be applied to individuals rather than groups.

18. The Advisory Committee also recalls that it had recommended that the standards of accommodation, as set forth in General Assembly resolution 42/214, should be brought to the attention of all eminent persons whose travel was financed by the Organization and it had also expressed the view that, while not opposed in principle to the granting of exceptions, the Committee trusted that they would be granted carefully and selectively. The Committee reiterates its above recommendation.

19. With regard to exceptions on grounds of medical condition or advanced age, the Committee recommends that efforts be made to reduce further the number of such exceptions, since, first of all, only in very exceptional cases, in the view of the Committee, should people with an aggravated medical condition be required to work and/or to travel; in this case, the basis for upgrading either to business or to first class is not clear to the Committee. Secondly, advanced age per se cannot be considered as a sufficient reason for authorizing exceptions; the Advisory Committee notes, in this connection, that currently there is no threshold for granting exceptions on the basis of age.

20. Furthermore, the Committee believes that there is room for improvement in the planning of travel, which could lead to a reduction in exceptions due to

unavailability of the regular standard of travel accommodation. The Committee is not convinced that such regular standards were not available on many itineraries listed in annex II to document A/C.5/48/3, and particularly on such itineraries as Amman/London, Amman/Geneva, New York/Mexico City and Geneva/New York. The Committee recommends, therefore, that the number of exceptions due to unavailability of regular standards of air travel be further substantially reduced, especially on well-established international itineraries.

Notes

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 5 (A/49/5).

2/ Ibid., Forty-third Session, Supplement No. 7 (A/43/7/Add.8), para. 8.

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88 (a) and 92
THE SITUATION IN THE MIDDLE EAST
COMPREHENSIVE TEST-BAN TREATY
GENERAL AND COMPLETE DISARMAMENT
MAINTENANCE OF INTERNATIONAL SECURITY
SUSTAINABLE DEVELOPMENT AND
INTERNATIONAL ECONOMIC COOPERATION:
TRADE AND DEVELOPMENT
AGENDA FOR DEVELOPMENT

SECURITY COUNCIL
Fiftieth year

Letter dated 3 August 1995 from the Permanent Representative of Brunei Darussalam to the United Nations addressed to the Secretary-General

On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of the joint communiqué of the twenty-eighth ASEAN ministerial meeting, which was held in Brunei Darussalam on 29 and 30 July 1995.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under agenda items 38, 57, 62, 70, 88 (a) and 92, and of the Security Council.

(Signed) Pengiran ABDUL MOMIN
Permanent Representative

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Annex

Joint Communiqué of the Twenty-Eighth ASEAN Ministerial Meeting held at Bandar Seri Begawan, Brunei Darussalam, on 29 and 30 July 1995

1. The Twenty-Eighth ASEAN Ministerial Meeting was held in Bandar Seri Begawan from 29 to 30 July 1995.

2. The Foreign Ministers welcomed Viet Nam as the seventh member of ASEAN. They also welcomed the accession of Cambodia to the Treaty of Amity and Cooperation in South-East Asia. Cambodia was also granted observer status. They believed that these events marked a historic step towards building a South-East Asian community and looked forward to the future when all South-East Asian nations become members of ASEAN. The Ministers called for increased cooperation with Cambodia and Laos to assist them in preparing for their eventual membership in ASEAN.

3. The Foreign Ministers welcomed the decision by Myanmar to accede to the Treaty of Amity and Cooperation in South-East Asia.

Political and security cooperation

4. Considering the important role of ASEAN in maintaining peace, stability, and prosperity in this region as well as in enhancing cooperation in the wider Asia-Pacific, the Foreign Ministers reaffirmed their commitment to working closely with others, particularly ASEAN's Dialogue and Consultative Partners, and Observers. In reviewing the developments of the ASEAN Regional Forum (ARF) since its inauguration in Bangkok last year, the Ministers expressed satisfaction with the progress made thus far. In this regard, they reaffirmed that the ASEAN Concept Paper on the ARF has contributed significantly towards moving the ARF process forward at a pace comfortable to all participants. They re-emphasized ASEAN's role as the primary driving force of the ARF which is a high-level consultative forum to facilitate open dialogue and discussions on political and security issues of common interest and concern in the Asia-Pacific region. They also stressed the importance of building confidence among ARF participants so as to develop a more predictable and constructive pattern of behaviour. This, they felt, would ensure lasting peace, stability, and prosperity for the region and its people. They looked forward to a successful second ARF meeting.

5. The Foreign Ministers expressed satisfaction with the progress made by ASEAN in the dialogue and consultation process on political and security issues which now included the ASEAN China Senior Officials Consultation (ASEAN-China SOM) and the ASEAN-European Union Senior Officials Meeting (ASEAN-EU SOM). The Ministers also expressed their appreciation to Canada for the initiative of hosting the ASEAN-Canada consultation in May 1995, in order for ASEAN's view to be made known to the G-7 Meeting in Halifax. The Ministers also expressed their satisfaction over the results of these consultations. The Ministers agreed that such meetings served to strengthen ASEAN's cooperative relations with various countries and partners.

6. The Foreign Ministers noted with satisfaction the progress made in the implementation of ASEAN's "Programme of action on ZOPFAN". The Ministers also noted the positive progress in solving the legal and technical aspects of the draft Treaty on South-East Asia Nuclear Weapons Free Zone (SEANWFZ). They further noted similar progress in deciding on the most appropriate instrument by which countries outside the region would be able to associate themselves with the Treaty of Amity and Cooperation in South-East Asia. The Foreign Ministers agreed that the association of non-South-East Asian countries to the Treaty of Amity and Cooperation would enhance peace and stability of the region.

7. The Foreign Ministers commended the good cooperative relations developed between ASEAN and non-governmental bodies such as the ASEAN Institute of Strategic and International Studies (ASEAN-ISIS) and the Council for Security and Cooperation in the Asia Pacific (CSCAP). They agreed that these bodies had provided useful ideas and proposals for political and security cooperation in the region.

International and regional issues

8. The Foreign Ministers exchanged views on the current regional and international situation. The Ministers noted with satisfaction the continuing positive developments in ASEAN and the wider Asia-Pacific. In this regard, they stressed the importance of a stable relationship among the major Powers. The Ministers also expressed the hope that countries in the region would continue to work together to maintain security and stability to ensure rapid economic growth and progress.

9. The Foreign Ministers expressed their concern over recent events in the South China Sea. They encouraged all parties concerned to reaffirm their commitment to the principles contained in the 1992 ASEAN Declaration of the South China Sea, which urges all claimants to resolve their differences by peaceful means and to exercise self-restraint. They also called on them to refrain from taking actions that could destabilize the region, including possibly undermining the freedom of navigation and aviation in the affected areas. They also encouraged the claimants to address the issue in various bilateral and multilateral forums. In this regard, they reiterated the significance of promoting confidence-building measures (CBMs) and mutually beneficial cooperative ventures in the ongoing Informal Workshop Series on Managing Potential Conflicts in the South China Sea initiated by Indonesia.

10. The Foreign Ministers discussed the situation in the Korean Peninsula. They welcomed the positive outcome of the talks held in Kuala Lumpur between the United States and the Democratic People's Republic of Korea (DPRK) and expressed the hope that this would lead to the full implementation of the Agreed Framework reached in Geneva. The Ministers reiterated their belief that resuming the dialogue between the DPRK and the Republic of Korea was extremely important for peace and security in the Korean Peninsula. They expressed the hope that these developments would contribute to the improvement of the situation.

11. The Foreign Ministers expressed grave concern over the current situation in Bosnia and Herzegovina and issued a statement on the subject.

12. The Foreign Ministers welcomed the progress made in the Middle East peace process, in particular the implementation of the PLO-Israeli Declaration of Principles on Interim Self-Government Arrangements of 1993. The Ministers stressed the importance of continuing the discussions between the Palestinians and Israelis to reach an agreement on the details of the withdrawal of Israeli soldiers from the West Bank. They also welcomed the peace treaty between Jordan and Israel and the ongoing discussions between Syria and Israel and believed that these would contribute to a comprehensive settlement to the Middle East problem.

13. The Foreign Ministers noted with satisfaction the successful outcome of the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement (NAM) held in Bandung from 25 to 27 April 1995. They supported in particular the NAM Ministers' pledge to do their utmost to strengthen South-South cooperation with a view to achieving economic security and collective self-reliance. The Ministers also noted with satisfaction the commemoration of the Fortieth Anniversary of the Asian-African Conference held in Bandung on 24 April 1995 and reiterated their conviction that the objectives enunciated in the Final Communiqué of the Conference continue to be valid.

14. The Foreign Ministers emphasized the importance of the Nuclear Non-Proliferation Treaty (NPT) in promoting international peace and security. Bearing in mind the objectives of general and complete disarmament, the Foreign Ministers noted the outcome of the recent 1995 Review and Extension Conference of the Parties to the NPT and attached particular importance to the establishment of internationally recognized nuclear-weapon-free zones by the year 2000. In this regard, the Foreign Ministers deplored the resumption or planned resumption of nuclear tests in the Asia-Pacific in view of the commitment of all State Parties to the NPT to exert utmost restraint on nuclear-weapons testing and to conclude the Comprehensive Test Ban Treaty in 1996. They also called on all nuclear-weapon States to desist from testing nuclear devices.

15. In view of the United Nations important role and contribution to development in the last 50 years, the Foreign Ministers emphasized the need for ensuring that the United Nations remain at the centre of efforts to enhance international economic cooperation for development. They attached great importance to the elaboration of an Agenda for Development as the basis for restoring the centrality of development in the work of the United Nations and in addressing the needs and priorities of developing countries. Towards this end, and in order to reinforce the development role of the United Nations, the Ministers expressed support for the position of the Non-Aligned Movement and the Group of 77. The United Nations organizations which promote and enhance international economic cooperation for sustained economic growth and sustainable development on a global basis including UNCTAD and UNIDO, should be strengthened. The Ministers strongly felt that the mandate of the United Nations in the field of development should be clearly emphasized in all attempts to reform, revitalize and strengthen the world Organization, especially in conjunction with the observance of its fiftieth foundation anniversary this year.

16. The Foreign Ministers noted with appreciation all efforts that have been undertaken by the international community within the framework of the

Comprehensive Plan of Action (CPA) of 1989. The Foreign Ministers expressed serious concern over recent developments which affected the implementation and successful conclusion of the CPA. They urged all resettlement countries to weigh carefully the implications of adopted proposed legislation which has already generated false hopes of resettlement directly from the camps in the first asylum countries. They reiterated their commitment to the objectives of the CPA which remained the most realistic option to resolve the problem of Indo-Chinese refugees. They called on all parties to the CPA to remain fully committed to the implementation of the relevant Memoranda of Understanding and the decisions of the Fifth and Sixth Steering Committee Meetings with the view to bringing it to a conclusion by the target date of the end of 1995. They called upon the donor community to continue to provide adequate resources to the UNHCR to complete its operations.

Fifth ASEAN Summit

17. The Foreign Ministers looked forward to the Fifth Meeting of the ASEAN Heads of Government to be held in Thailand on 14-15 December 1995. The heads of Government will review developments and progress in ASEAN since the last Summit in Singapore in 1992. The Fifth Summit will chart ASEAN's future direction towards intensifying political, economic and functional cooperation to make ASEAN an even more cohesive and dynamic regional grouping. The Foreign Ministers also requested Thailand as the host country to invite the heads of Government of Cambodia, Laos and Myanmar to a meeting with the ASEAN Heads of Government during the Summit.

Asia-Europe Meeting (ASEM)

18. The Foreign Ministers noted that the leaders of Asia and Europe welcomed the holding of the Asia-Europe Meeting (ASEM) scheduled for early 1996 in Thailand. They agreed that the Meeting would serve as a means of establishing strong links between Asia and Europe at the highest level.

International economic issues

19. The Foreign Ministers welcomed the ratification of the Final Act of the Uruguay Round by all member countries. They noted Viet Nam's application for WTO membership and expressed the hope that Viet Nam would soon be admitted. They urged the timely access of major trading countries and economies to the WTO and called on all signatories to implement their Uruguay Round commitments in a faithful and timely manner. They requested members to reaffirm their commitment to the principle of free trade by liberalizing their markets further and continuing with their efforts in bringing down trade barriers in accordance with their commitments and the provisions of the Uruguay Round agreements. Recognizing that trade would become more competitive as a result of the Uruguay Round, the Ministers emphasized the need for member countries to keep pace with world market developments by conducting improvements in production, quality control, product innovation, distribution, financing and technology.

20. The Foreign Ministers expressed satisfaction with the appointment of Singapore as the Chairman of the General Council of the WTO, and Thailand as the Chairman of the Committee of Agriculture of the WTO, and that the First

WTO Ministerial Conference will be held in Singapore. They noted that these are manifestations of the international recognition of the important role played by ASEAN in promoting global trade liberalization.

21. The Foreign Ministers requested the International Monetary Fund to monitor international currency movements more closely in order to avoid a financial crisis similar to that of Mexico's. They cautioned that the continuing imbalances in the international currency markets might seriously affect financial flows to the region and might have adverse consequences for countries with large foreign debt obligations. The Foreign Ministers agreed on the need for enhanced cooperation between the Bretton Woods institutions and the WTO to further strengthen the global economic system.

22. The Foreign Ministers reiterated their stand, as underlined by the ASEAN Labour Ministers during their informal meeting at Chiang Mai in April 1995, to oppose any attempt to link labour standards with international trade and to use labour standards to interfere in the internal affairs of developing countries. They welcomed the recent position adopted by the ILO Governing Body's Working Party to suspend any further discussion of the link between international trade and social standards. The Foreign Ministers renewed their call on the ILO to undertake a thorough review of labour standards, some of which are not relevant to the economic and labour environment of the developing countries on the road to industrialization.

23. The ASEAN Foreign Ministers noted the decisions of the Halifax Summit. Whilst recognizing that the prevention of financial crisis is the preferred course of action, the Foreign Ministers welcomed the Summit's decision to create an emergency fund to defuse future Mexico-type financial crises. The Foreign Ministers welcomed the Summit's call for a comprehensive approach by lending institutions to help the poorest countries with large debt burdens. At the same time, the Foreign Ministers expressed concern that no stronger actions were taken for coordinating macroeconomic policies among the G-7 countries to manage the sharp currency fluctuations in the world's foreign exchange markets.

ASEAN Free Trade Area

24. The Foreign Ministers noted with satisfaction the significant progress made in the implementation of AFTA. They expressed their full support for the reduction of the time-frame in the implementation of AFTA from 15 to 10 years ending in 2003 and noted that member countries will begin to implement the new tariff reduction schedules by 1 January 1996. The Ministers also took note of the inclusion of the products in the Temporary Exclusion List which is currently being worked by member countries with the list for the first instalment being finalized by the Seventh AFTA Council in September 1995.

25. The Ministers also called upon member countries to accelerate harmonization of customs procedures, tariff nomenclature and standards and to intensify their efforts to remove non-tariff barriers in order to further accelerate growth in intra-ASEAN trade. The Ministers noted with satisfaction the decision to include unprocessed agriculture products in the CEPT Scheme and called upon member countries to intensify their efforts to realize it, taking into account the level of development of the respective countries. They however expressed

the hope that member countries should make all efforts in ensuring that the Temporary Exclusion List and the Sensitive List are kept to a minimum. The Ministers also noted with satisfaction the establishment of the AFTA Unit and the National AFTA Units in the respective member countries which will facilitate greater private sector participation in the AFTA process.

26. They welcomed the initiation of consultations between ASEAN and Australia and New Zealand to discuss possible linkages between AFTA and the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) with a view to enhancing economic interaction between the two regions.

Other areas of economic cooperation

27. In view of the increasing competitiveness of the world's economy and the rapid globalization of trade, the Foreign Ministers supported efforts of the Economic Ministers to expand economic cooperation in other areas such as services, intellectual property and investment. The Foreign Ministers welcomed the decision of the ASEAN Economic Ministers to look into new activities and/or schemes to accelerate industrial cooperation in the region with emphasis on technology-based industries and physical infrastructure investments. In this regard, they noted that a Framework Agreement on Cooperation in Services and ASEAN Framework on Intellectual Property Cooperation are being formulated. The Foreign Ministers agreed that ASEAN cooperation in services would entail commitments on an ASEAN preferential basis aimed at realizing a free trade area in services in the long run. They also supported efforts to explore the possibility of setting up an ASEAN patent and trademark system.

28. The Foreign Ministers welcomed the initiatives taken by the ASEAN Ministers on Agriculture and Forestry to sign the MOU on ASEAN Cooperation and Joint Approaches in Agriculture and Forest Products Promotion Scheme in August 1994. The MOU aims at sustaining the expansion of ASEAN agriculture and forest products and at enhancing collaboration between the public and private sectors.

East Asia Economic Caucus (EAEC)

29. The Foreign Ministers reaffirmed their commitment to an early realization of the EAEC. They recognized the usefulness of more focused discussions on specific economic and development issues, particularly on matters that will contribute to greater development of the East Asia region.

Asia Pacific Economic Cooperation (APEC)

30. The Foreign Ministers noted that APEC had made significant progress towards its long-term goal of free and open trade and investment in the Asia-Pacific regions as embodied in the Bogor Declaration. The Ministers emphasized the need for APEC to proceed in a manner consistent with the principles of the GATT/WTO. Noting the importance of the Kuching consensus and the considerable progress made by APEC since that consensus, the Foreign Ministers reaffirmed that ASEAN should continue to play a central role in APEC. The Foreign Ministers underscored the importance of economic and technical cooperation in the Bogor Declaration and in this context welcomed Japan's initiative on "Partners for Progress". The Foreign Ministers expressed the hope that the APEC Economic

Leaders Meeting in Osaka and the Seventh APEC Ministerial Meeting to be hosted by Japan in November 1995 would carry forward the APEC process.

Functional cooperation

31. The Foreign Ministers agreed that, as part of the efforts to achieve greater social and economic progress in the region and to enable ASEAN to face the challenges of the twenty-first century, ASEAN functional cooperation should be further strengthened and intensified.

32. The Foreign Ministers noted with satisfaction that cooperation in science and technology, environment, culture and information, social development, and drugs and narcotics control had further intensified and increased in focus with the completion of Plans of Action for each of the five functional areas and the implementation of a number of initial activities. They also expressed satisfaction at the progress made in the preparation of the ASEAN Regional Programme on Prevention and Control of HIV/AIDS.

33. The Foreign Ministers welcomed the decision of the ASEAN Ministerial Meeting on the Management of Transboundary Pollution to adopt the ASEAN Cooperation Plan on Transboundary Pollution with a view to managing the increasing periodicity and worsening impact of transboundary pollution in the region.

EXTERNAL RELATIONS

Cooperation with Dialogue Partners

34. The Foreign Ministers noted that the Dialogue Process has acquired greater importance in promoting a better understanding of issues brought about by rapid changes in the world environment. The Ministers expressed the hope that although the Dialogues shall continue to serve as a forum for discussing divergent interests, it could place more emphasis on shared interests and objectives in addressing global challenges. The Ministers recognized that the inaugural ASEAN-EU SOM, held in Singapore from 2 to 4 May 1995, marked an important step in this direction and paved the way for the deepening of mutual understanding and economic cooperation between the European Union and ASEAN.

35. The Foreign Ministers recognized the growing significance of economic cooperation with the Dialogue Partners. They reiterated their request for the Dialogue Partners to be more forthcoming in their response to ASEAN's concerns on trade, investment and market access issues. The Ministers expressed appreciation for the assistance provided by the Dialogue Partners in the implementation of various development projects. They noted that development cooperation projects are increasingly directed at promoting economic and commercial objectives.

Cooperation with Non-Dialogue Partners

36. The Foreign Ministers noted that ASEAN cooperation with India in the fields of trade, investment, science and technology and tourism has made progress. Modalities for implementing ASEAN-Pakistan Sectoral Relations have been

initiated. The Ministers noted the outcome of the First ASEAN-China Joint Science and Technology Meeting held in Brunei Darussalam in March 1995. The Foreign Ministers noted the progress in ASEAN-Russia relations and welcomed efforts being made to identify areas of mutual interest in order to enhance relations. The Foreign Ministers expressed satisfaction with the expansion of ASEAN's relations with other regional organizations and noted the efforts undertaken by the ASEAN secretariat in this regard. The Foreign Ministers also noted that the ASEAN secretariat is undertaking a review of the criteria and priorities for ASEAN's external relations.

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Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 8 August 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Kazakstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Ministry of Foreign Affairs of the Republic of Kazakstan in connection with the situation in Bosnia and Herzegovina (see annex).

I should be grateful if you would have the text of this letter and its annex distributed as an official document of the forty-ninth session of the General Assembly, under agenda item 39, and also of the Security Council.

(Signed) Murat Kh. SYZDYKOV
Chargé d'affaires a.i.
Permanent Mission of the Republic
of Kazakstan to the United Nations

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ANNEX

Statement dated 31 July 1995 by the Ministry of Foreign Affairs of Kazakstan

The Ministry of Foreign Affairs of the Republic of Kazakstan is disturbed by the turn of events in Bosnia and Herzegovina in recent days. The assault launched by Bosnian Serb units in eastern areas and the seizure of the Muslim enclaves of Srebrenica and Žepa have led to an escalation of the crisis and caused many casualties among the peaceful civilian population and the contingent of United Nations forces. In this connection, Kazakstan fully supports the statement issued by the United Nations Security Council on 25 July 1995 (S/PRST/1995/34), which condemned the actions of the Bosnian Serbs.

In the interests of general security, effective measures should be taken in order to prevent the conflict in Bosnia from reverting to a large-scale confrontation, with the grave risk of destabilizing the situation in the European continent.

At the same time, Kazakstan considers that lifting the embargo on the supply of weapons to the region would not be in keeping with international efforts to ease the tension in the former Yugoslavia, since it might lead to a withdrawal of the United Nations peace-keeping contingent, which, as is generally acknowledged, has thus far fully performed its duties of ensuring the supply of humanitarian aid and controlling the scale of the violence.

The possibilities of resolving the conflict in Bosnia have not yet been exhausted. To miss the chances of achieving peace would be unforgivable, especially on the eve of the fiftieth anniversary of the United Nations.

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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 49/236 of 31 March 1995, in which the Assembly decided to authorize the renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) for a further period of six months and requested me, inter alia, to keep the Assembly fully informed of the implementation of the resolution.

2. On the day resolution 49/236 was adopted, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) signed the Agreement on Identity and Rights of Indigenous Peoples. By my letter of 5 April 1995 to the Presidents of the General Assembly and the Security Council (A/49/882-S/1995/256), I conveyed the text of the Agreement for the information of Member States. This is the sixth agreement signed by the parties since January 1994 and it deals with a particularly important and sensitive issue in the Guatemalan context. Its far-reaching provisions were well received by indigenous organizations in Guatemala. The Assembly of Civil Society, a forum of civil society organizations established under the Framework Agreement of 10 January 1994 (A/49/61-S/1994/53), analysed the provisions of the Agreement and, in accordance with its mandate, endorsed it as a "national commitment". Indeed, as noted in the Agreement on Identity and Rights of Indigenous Peoples itself:

> "To overcome the age-old discrimination against indigenous peoples, the assistance of all citizens will be needed in the effort to change thinking, attitudes and behaviour."

I consider this Agreement to be a very auspicious development at the beginning of the International Decade of the World's Indigenous People and I trust its full implementation will inspire similar efforts elsewhere.

3. In that context, I recall that, as mentioned in my letters of 29 March and 5 April 1995 (A/49/879-S/1995/241; A/49/882-S/1995/256), the parties concurred that, while the Agreement on Identity and Rights of Indigenous Peoples as a whole would enter into force at the signing of a final peace agreement, those aspects which related to human rights should be implemented immediately. In addition, the parties requested that implementation of those aspects be verified by MINUGUA. Accordingly, I asked the Director of MINUGUA to review the Agreement and assess whether additional resources would be required to verify implementation of the additional commitments, so that I could make the necessary recommendations to the General Assembly. MINUGUA's assessment is attached as an annex to the present report. I recommend to the General Assembly that, should it authorize the extension of the Mission's mandate, additional resources be provided to MINUGUA in accordance with the assessment of the Director of MINUGUA, so that the Mission can ensure adequate verification of the human rights aspects of the Agreement and fulfil its mandate more effectively.

4. During the reporting period, MINUGUA continued to fulfil the verification mandate entrusted to it in the Comprehensive Agreement on Human Rights and to assist in strengthening national institutions and entities responsible for the protection of human rights. By my note of 29 June 1995 (A/49/929), I transmitted to the General Assembly the second report of the Director of MINUGUA covering the period from 21 February to 21 May 1995. This describes the context in which the Mission has been operating, the activities carried out by it, including a summary of several cases under consideration, and conclusions and recommendations regarding the human rights situation in Guatemala and implementation of the commitments contained in the Comprehensive Agreement on Human Rights. The report has been well received both in Guatemala and abroad.

5. In his conclusions and recommendations, the Director of MINUGUA stressed several positive elements, namely, the parties' cooperation with, and support for, the Mission's work, the virtual cessation of forcible military conscription, the widespread exercise of freedom of expression, the readiness of senior authorities of the Ministry of Interior and the National Police to promote the investigation and solving of crimes, restraint in the use of force by the police at demonstrations and evictions from rural estates, acknowledgment by the army that its troops were responsible for two cases of arbitrary detention and torture summarized in the first report, and the fact that the Government had not promoted the organization of new voluntary civil defence committees (CVDC). The report also took note of the fact that URNG had fulfilled its commitments to suspend the destruction of electric power pylons.

6. In the area of institution-building, the Director stressed the full support given by the Attorney-General of the Republic to the Agreement signed with MINUGUA concerning training of prosecutors, as well as the priority given by the

Government to the Programme for Strengthening the Rule of Law. He also took note of the important contribution made by the mass media, non-governmental organizations and other entities of civil society to public awareness of the need for respect for human rights and the struggle against impunity.

7. At the same time, the Director noted with concern that the greatest number of complaints admitted by the Mission referred to violations of the rights to life, integrity and security of person and to liberty, in which state agents were allegedly implicated or in which the State failed in its duty to provide guarantees. He also noted the widespread use of threats, the activities of illicit groups and the persistent abuses committed by CVDC members and military commissioners. He stressed that, in some cases, failure to observe due process of law constituted an actual miscarriage of justice, a situation that openly promoted impunity. The report emphasized that the various branches of Government shared responsibility for combating impunity, which continued to be the most serious obstacle to the exercise of human rights in Guatemala, and that the Executive should implement a comprehensive policy for combating it. The Director also noted that it would be highly desirable for political parties to include this priority in their programmes, thus ensuring that it would receive support following the forthcoming elections.

8. The report also noted that URNG had committed human rights violations and had failed to observe the commitment to end the suffering of the civilian population by making threats and taking action against civilian property for the purpose of collecting "war tax"; by unnecessarily endangering civilians not involved in the conflict during attacks on military bases and units; by laying mines and explosive devices in places where civilians work, live or circulate; and by taking reprisals.

9. Overall, the Director of MINUGUA believed that progress achieved since the installation of the Mission, while insufficient, demonstrated that with political will from the parties and commitment on the part of society as a whole it was possible to improve the situation of human rights in Guatemala. While thanking the Government of Guatemala and URNG for their support for, and cooperation with MINUGUA, I must, therefore, remind both parties of the terms of General Assembly resolution 49/236 and urge them to make a renewed effort to comply fully with their commitments under the Comprehensive Agreement on Human Rights and, in particular, to put into effect the recommendations contained in MINUGUA's first and second reports. I should also stress that it is incumbent upon all sectors of society to cooperate in the eradication of the culture of violence and intolerance mentioned in the reports.

10. The Comprehensive Agreement on Human Rights emphasized the importance of strengthening Guatemalan institutions to ensure the observance of human rights and the significance of international cooperation for that purpose. I am pleased to report a positive response by the international community to the invitation contained in resolution 49/236 to increase its support for institution-building and cooperation projects intended to strengthen the Guatemalan system for the protection of human rights. The Joint Unit formed by the United Nations Development Programme (UNDP) and MINUGUA has served, inter alia, as a focus for cooperation among United Nations agencies and programmes for projects in the human rights area. Following the establishment

ANNEX

Assessment by the Director of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala of the resources required for the verification of the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples and other activities of the Mission

I. INTRODUCTION

1. The Agreement on Identity and Rights of Indigenous Peoples between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) (hereinafter "the Agreement") was signed at Mexico City on 31 March 1995. The Agreement, which represents an important forward step in the Guatemalan peace process, was conveyed by the Secretary-General to the President of the General Assembly and to the President of the Security Council by letters dated 5 April 1995 (A/49/882-S/1995/256).

2. The Agreement contains a significant number of commitments by the Government to eliminate discrimination against indigenous peoples, who comprise more than 60 per cent of the Guatemalan population, and to recognize and promote their rights. It calls for a number of constitutional as well as legal and administrative reforms, and for the establishment of new structures at both national and regional levels to render those indigenous rights effective.

3. Substantive issues covered by the Agreement include the identity of indigenous peoples; the struggle against discrimination in both law and practice; rights of indigenous women; the promotion of international instruments concerning indigenous rights and the elimination of discrimination; cultural rights (including language, place names, spirituality, temples and ceremonial centres, dress, science and technology, education and the means of mass communication); and civil, political, social and economic rights (including respect for and promotion of indigenous communal organizations and authorities, the mechanisms for administrative regionalization, participatory mechanisms at all levels, customary law and land rights).

4. In certain key areas the Agreement provides for joint commissions, to be composed of an equal number of representatives of the Government and representatives of indigenous organizations. The role of these joint commissions is to carry out preparatory work for the design of reforms and institutional arrangements envisaged in the Agreement. The requirement for participation by indigenous peoples in the enactment of law and policy reforms, and for consultation with their representative organizations at all levels, is a general feature of the Agreement.

5. In his letters of 29 March and 5 April 1995 to the President of the General Assembly and the President of the Security Council (A/49/879-S/1995/241; A/49/882-S/1995/256), the Secretary-General drew attention to the parties' decision that, while the Agreement as a whole would enter into force at the

signing of a final peace agreement, those aspects of it which related to human rights recognized in the Guatemalan legal order, including international treaties, conventions and other instruments to which Guatemala was a party, should be implemented immediately, and to the parties' request that the implementation of those aspects of the Agreement should be verified by MINUGUA.

6. The Agreement has raised considerable expectations among Guatemala's indigenous peoples and their representative organizations. The decision of the parties that MINUGUA should assume responsibility for immediate verification of those aspects of the Agreement which relate to human rights will require an expansion of the Mission's activities under its existing mandate. This will, in turn, create a greater workload for MINUGUA staff in all aspects of the Mission's mandate, including verification of possible violations, institution-strengthening activities, the promotion of international technical and financial cooperation and a culture of respect for human rights. The present report contains the assessment referred to by the Secretary-General in his letter of 5 April 1995 regarding additional resources required by MINUGUA in order to carry out these tasks.

II. HUMAN RIGHTS ASPECTS OF THE AGREEMENT

7. It is clearly the sense of the parties that only certain aspects of the present Agreement concern human rights, which have immediate force and application and are therefore subject to immediate verification by MINUGUA. These aspects relate to human rights that are already recognized in the Guatemalan legal order and would not require any reforms to allow for their effective realization. They are, inter alia, rights to equality of treatment and non-discrimination; such cultural rights as the right to use indigenous languages, to use indigenous dress and to practise indigenous forms of spirituality; such civil and political rights as the rights to practise traditional indigenous forms of social organization; and such economic and social rights as the right to hold land under traditional forms of tenure.

8. However, the majority of commitments in the Agreement relate to proposed constitutional and legal reforms or to administrative measures, in order to provide for the effective realization of rights that have been recognized as a general principle but have not been adequately regulated by law. Some commitments also relate to complex aspects of administrative reforms, including regionalization and the officialization of indigenous languages. While the actual implementation of those reforms must be seen as a long-term process, the Agreement represents a broad commitment by the Government to prepare for the reform process in close collaboration with representative indigenous organizations.

9. The Mission accordingly understands its mandate in the following light. On the one hand, it will have a certain number of immediate and direct verification tasks related to the specific aspects of the Agreement referred to in paragraph 7 above. On the other hand, it can assist both government agencies and representative organizations of indigenous peoples in the preparatory work referred to in paragraph 8, a role which both the Government and indigenous organizations have already indicated that they expect the Mission to play.

III. NEW ACTIVITIES TO BE UNDERTAKEN BY MINUGUA

10. Three main areas of activity by the Mission may be identified: the promotion and dissemination of the Agreement, additional human rights verification and tasks relating to the reform commitments included in the Agreement.

Promotion and dissemination

11. The Agreement provides for its widest possible dissemination, in Spanish as well as the principal indigenous languages, among indigenous communities and other sectors of Guatemalan society. In collaboration with government agencies and indigenous institutions and organizations, MINUGUA will seek international assistance through the Trust Fund for the Guatemala Peace Process to ensure that the Agreement is translated and disseminated. The regional offices and sub-offices will, in turn, seek to promote knowledge and discussion of the Agreement at the local level.

Additional human rights verification activities

12. Since its inception, MINUGUA has aimed to adapt its verification methods to the particular needs of indigenous people. It will now be necessary to strengthen the Mission's capacity to undertake its activities in a more systematic way, in compliance with the Agreement, in consultation with the Government and such agencies as the Counsel for Human Rights, and with indigenous organizations. Initial steps to be taken by MINUGUA will include revising the guidelines in its verification manual, holding training programmes to provide observers with specific knowledge of indigenous rights and values, and deploying additional observers where they are most required.

13. A further task of the Mission's regional offices and sub-offices will be to follow up on the progress made in establishing and reinforcing local participatory mechanisms for the defence of indigenous rights. In the Agreement, the Government has committed itself to the effective protection of indigenous rights by promoting the creation of legal offices for the defence of those rights and the establishment of "popular law offices" to provide free legal assistance to persons of limited economic means in municipalities in which indigenous communities are prevalent. The Mission will provide specific assistance in the creation of such mechanisms, in accordance with requests from the Government, local authorities or indigenous organizations.

Tasks relating to the reform commitments

14. Throughout the Agreement, distinctions are drawn between areas where the Government commits itself to undertaking administrative measures and reforms and areas where it will promote and provide the impetus for reforms through Congress. The entire process of constitutional, legal and administrative reforms can be expected to last for a number of years, requiring careful preparation and consultation with indigenous organizations. At the same time it is possible for the Government to determine priorities, in terms of the urgency with which it will address its many commitments.

15. As in the case of the Comprehensive Agreement on Human Rights, institution-strengthening will be a key factor for the successful implementation of the present Agreement. The Mission's task is to provide support to the initiatives undertaken by the Government to prepare the ground for constitutional, legal and administrative reforms, placing particular emphasis on institutional arrangements to this effect. It is therefore important that the Mission reinforce its technical expertise in the field of indigenous rights.

16. The Mission expects to undertake these activities in collaboration with agencies and programmes of the United Nations system, within their specialized areas of competence. It must be prepared and equipped to assume its role in preparing an overall strategy for technical assistance and in identifying the tasks that can be assumed by the different agencies and programmes in facilitating the verification process. MINUGUA will thus prepare a comprehensive strategy document in consultation with government agencies, representative indigenous organizations, United Nations agencies and programmes, regional financial institutions and bilateral donor agencies. Under the Comprehensive Agreement on Human Rights, MINUGUA has created a Joint Unit with UNDP in order to maximize the fulfilment of the institution-building part of its mandate. Under the Agreement, similar steps have been taken to expand the purview of activities of the Joint Unit.

IV. CONTEXT IN WHICH THE MISSION IS OPERATING AND ADDITIONAL RESOURCES REQUIRED

17. Since initiating its activities in November 1994, MINUGUA has requested no increases in its staffing budget. None the less, the experience obtained during its first six months regarding the human rights situation, field conditions and the workload of the regional offices and sub-offices has led the Mission to identify several serious staffing inadequacies, which should be corrected if it is to carry out effectively both its verification and institution-building activities.

18. A first corrective step was taken in May 1995 when it was decided to increase the number of military liaison officers by seven, while simultaneously reducing the total of civilian police observer posts by the same number. The original authorized strength of military liaison officers had proved insufficient to cover duties in all regional offices and sub-offices. The change had no financial implications.

19. However, the complex political context in which the Mission is operating, the growing number of human rights cases brought to its attention and the extra verification, institution-building and promotion tasks resulting from the Agreement described above now require an increase in MINUGUA's staffing table and related expenditures. The requests set out below represent the minimum additional resources required to enable the Mission to function adequately.

Indigenous Affairs Unit

20. The present budget provides for only a single post assigned to indigenous affairs, that of the Adviser to the Director of Mission. This is no longer

sufficient. MINUGUA requires that the Adviser now head an Indigenous Affairs Unit, within the Office of the Director of Mission, which would comprise three additional Professionals and one General Service support staff member. The Professionals would follow those aspects of the Agreement relating to political participation and institutional reform and devise participatory mechanisms in consultation with indigenous organizations. They would assist the Verification Branch and participate in the verification of cases as required and deal with requests for technical assistance projects, particularly those arising from the joint commissions. In addition, they would supervise the specialized training of observers in indigenous rights and their deployment to the field.

21. The new Unit will also require one short-term international consultant to prepare the strategy paper referred to in paragraph 16 above.

Human rights observers and legal officers (United Nations Volunteers)

22. MINUGUA began its verification tasks with 72 human rights observers and legal officers provided by the United Nations Volunteers (UNV) programme. Deployed throughout Guatemala under the supervision of regional coordinators, they form the core of the Mission's field personnel and are performing with professionalism and dedication. None the less, experience has shown that their number is insufficient. The number of complaints of alleged human rights violations brought to MINUGUA's regional offices and sub-offices has risen sharply. In addition, UNVs have had to undertake additional tasks, such as education and promotion and liaison with state agencies and non-governmental organizations. There is also a high turn-over of UNVs owing to the difficult field conditions, long working hours and better-paying job opportunities elsewhere. This last factor has resulted in a loss of impetus in the Mission's work, since new recruits have to be trained and require time to become accustomed to the terrain.

23. In order to meet its field obligations fully, MINUGUA requires an additional 26 UNV human rights observers and legal officers. Thirteen of these would be deployed (one to each field office), in order to reinforce existing human rights verification teams. The remaining 13 would receive training in indigenous rights, following which they would also be deployed, one to each field office, where they would effectively become the Mission's focal points for indigenous affairs. Under the coordination of the regional coordinator and with the guidance of the Indigenous Affairs Unit, they would advise the regional offices on indigenous rights, verify the situation and application of those rights, maintain regular contacts with local indigenous organizations, authorities and communities, and implement the Mission's policies on indigenous affairs at the local level.

24. In conformity with the terms of the Comprehensive Programme of Action for the International Decade of the World's Indigenous People and with the spirit of the Agreement, the Mission will make every effort to ensure that some of the new posts are filled by indigenous people with professional experience of comparable situations in other countries.

Human rights education and promotion officers (United Nations Volunteers)

25. Although the dissemination and promotion of the Comprehensive Agreement on Human Rights is one of the Mission's key tasks, shortage of staff has so far allowed only sporadic attention to be devoted to this issue. The Mission's additional responsibilities for the promotion of indigenous rights call for a strengthening of its education and promotion capacity in its regional offices and sub-offices. The Mission requires eight UNVs as human rights education and promotion officers, one to be deployed to each region. Their work will be coordinated by its Education and Promotion Unit, which, in conjunction with the Indigenous Affairs Unit, will design a comprehensive training programme aimed at indigenous leaders, civil and military authorities and non-governmental organizations, and including both written and audio-visual materials, preferably in the principal indigenous languages.

Local indigenous interpreters

26. In order to assist in the dissemination of the Agreement and the verification of the commitments contained therein, the Mission will require local indigenous interpreters to be available to its offices. On the basis of experience of the linguistic and geographical characteristics of the areas in which the Mission is deployed, it is estimated that a pool of 22 indigenous interpreters will be required to cover the same number of indigenous languages. As their services will not be required on a full-time basis, provision is made in the budget for 22 interpreters working on a half-time basis.

Political affairs officers

27. The Mission has been greatly handicapped by the absence of a political adviser. This need becomes more urgent, as 1995 is an electoral year in Guatemala and in 1996 the Mission will have to develop links with a new Government. Even without these factors, the maintenance of contacts between the Mission and various significant social and political sectors such as Congress and the Assembly for Civil Society, and private-sector organizations is crucial to its work. The Mission requires a political adviser who will monitor political developments and advise the Director on their possible impact on the Mission's work.

28. The past six months have highlighted the need for additional political affairs officers in the field. MINUGUA's original staffing table made provision for eight political affairs officers, one to be assigned to each regional office. In addition to their political work, they were to deputize for the regional coordinators when these were absent. No special provisions were made for heading the five regional sub-offices (Barillas, Cantabal, Escuintla, Nebaj and San Marcos) as it was assumed that UNVs could take on those functions. Experience has proved this not to be the case. The complexity of the tasks entrusted to the sub-offices, their considerable distance from parent offices, the supervisory abilities required, added to regulations that stipulate that certain administrative and financial tasks may only be undertaken by United Nations staff members made it impossible to assign the direction of sub-offices to UNVs. The Mission had to reassign political affairs officers to head the sub-offices, thereby leaving regional coordinators without much-needed political

support and a second-in-charge. To correct this situation, MINUGUA requires an additional six political affairs officers - five would replace those now heading the regional sub-offices and the sixth would reinforce the Guatemala City regional office, which has the largest verification responsibility in the country, both in terms of geographical area and the volume and complexity of the cases followed.

United Nations security officers

29. The two security officer posts initially authorized have proved insufficient in the prevailing security situation in Guatemala. A mission recently dispatched by the United Nations Security Coordinator to assess MINUGUA's requirements has recommended enhanced security measures, including the addition of three United Nations security officers.

30. MINUGUA's requirements for additional resources are estimated at approximately US$ 1.8 million for the six months following the end of the current mandate period.

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala
Regional boundary
Regional office
Subregional office
MINUGUA headquarters
MEXICO
BELIZE
HONDURAS
EL SALVADOR
PACIFIC OCEAN
Gulf of Honduras
PETEN
SANTA ELENA
HUEHUETENANGO
QUICHE
ALTA VERAPAZ
IZABAL
BAJA VERAPAZ
EL PROGRESO
ZACAPA
CHIQUIMULA
GUATEMALA
SOLOLA
QUETZALTENANGO
SAN MARCOS
ESCUINTLA
SANTA ROSA
JUTIAPA
Sierra de los Cuchumatanes
Sierra de Chamá
Sierra de las Minas
Lago de Izabal
GUATEMALA
International boundary
Department boundary
National capital
Department capital
Pan American highway
Road
Railroad
Airport

UNITED
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General Assembly

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15 August 1995

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Forty-ninth session
Agenda item 132

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING
OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Letter dated 14 August 1995 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to you herewith the text of a memorandum regarding the relocation of the Republic of Belarus to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 of 1 March 1989 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-ninth session of the General Assembly under agenda item 132.

(Signed) Alexander SYCHOU
Permanent Representative

95-24053 (E) 210895 240895

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ANNEX

Memorandum dated 28 June 1995 regarding the relocation of Belarus to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232

In 1973, the Republic of Belarus, then one of the 15 Republics of the former Union of Soviet Socialist Republics (USSR) and a Member of the United Nations, pursuant to General Assembly resolution 3101 (XXVIII) of 11 December 1973, was assigned to group (b) in the composition of the groups of Member States for the apportionment of the cost of peace-keeping operations. At that time, this step was taken for political and ideological reasons. This placement of Belarus has remained unchanged to date, in spite of repeated attempts over more than three years to resolve the problem of obvious discrepancies in the assignment of countries to groups and the fact that all the newly independent countries were placed in group (c) after the splitting up of the former USSR.

In the case of Belarus the problem of outstanding contributions for peace-keeping operations has taken on a particularly acute, and it would not be exaggerated to say, offensive character, primarily owing to the fact that the original motives for assigning Belarus to group (b) have become historically obsolete, its legal status under international law has changed and its economic situation has greatly deteriorated. This became particularly evident in the decrease in the production levels of all major economic sectors and, in turn, the decline in the standard of living.

Belarus must almost singlehandedly bear the enormous burden of expenditure to mitigate the consequences of the Chernobyl disaster, the largest of its kind in the history of mankind. The cost of destroying weapons under the Treaty on Conventional Armed Forces in Europe increases daily, as does the cost of dismantling and removing nuclear weapons from Belarus according to the START I Treaty and the Lisbon Protocol. Adherence to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State party has also imposed on the Government of Belarus substantial new expenses. These factors have together led to a serious and constant decline in the solvency of Belarus, and unfortunately there is no basis to assume that the current situation will improve in the near future. Moreover, it has been aggravated by the unjustified decision adopted at the forty-seventh session of the General Assembly to increase by more than one and a half the contribution of Belarus to the regular budget of the United Nations, the specialized agencies and the financing of peace-keeping operations.

It is well known that the cost of peace-keeping operations has grown rapidly in recent years, and this trend is apparently becoming irreversible. At the present time, the arrears of Belarus for financing peace-keeping operations have reached US$ 42,859,861. This has created a situation where Belarus, giving conditions beyond its control, has become chronically in arrears with regard to its financial obligations towards the United Nations. In those circumstances, Belarus, a Founding Member of the United Nations, appears to be under the

constant threat of the applicability of Article 19 of the Charter of the United Nations related to the loss of voting rights in the General Assembly.

In its decisions 48/472 and 49/470, the General Assembly formally acknowledged the existence of the Belarus problem in the scale of assessments for financing peace-keeping operations. Thus, General Assembly decision 49/470 states that it is necessary to consider, as an exceptional measure, any arrears of Belarus and Ukraine as at 1 January 1995 and for 1995 in the financing of peace-keeping operations as being due to conditions beyond their control and, accordingly, that the question of applicability of Article 19 of the Charter of the United Nations related to the loss of voting rights in the General Assembly in this respect would not arise.

In the financing of the United Nations peace-keeping operations, Belarus faces a specific and urgent problem, given the discrepancy between its rate of assessment and its capacity to pay.

As do many Member States, Belarus firmly believes that a comprehensive reform of the scale of assessments for peace-keeping operations should be carried out as soon as possible. We understand, however, that a reform of the scale of assessments might become a difficult and protracted endeavour. In these circumstances, Belarus has already become and will continue to be "a hostage" to the solution of the problem, since it is unable, for reasons beyond its control, to pay its rapidly growing indebtedness for the financing of the United Nations peace-keeping operations.

At present Belarus is in a more favourable situation, following the voluntary decision of Portugal to relocate to group (b) in the composition of the groups for the apportionment of the cost of peace-keeping operations. The contributions of Belarus and Portugal to the United Nations regular budget are at a roughly similar level and in 1977 will accordingly be 0.28 per cent. In this context we ask Member States to support the relocation of Belarus to group (c) during the resumed forty-ninth session of the General Assembly.

The proposed relocation of Belarus to group (c) will have no financial implications for the United Nations membership, including permanent members of the Security Council, and might be an incentive for countries with higher national income to relocate to group (b).

Belarus will continue to support a reform of the United Nations regular budget scale of assessments and the peace-keeping operations financing budget on the capacity-to-pay principle.

Belarus believes that favourable consideration and resolution of this issue would reflect goodwill on the part of Member States and their commitment to solve the problems emerging in the functioning of the Organization on the basis of objectivity and fairness. It would also make it possible for Belarus to fulfil its financial obligations in relation to peace-keeping operations.

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Security Council

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S/1995/738
25 August 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 25 August 1995 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to more aggressive actions by the Government of Turkey against the sovereignty and territorial integrity of the Republic of Cyprus.

Following the provocative construction of military fortifications along the cease-fire line (our letter A/49/948-S/1995/602 of 21 July 1995 is relevant) and at the Roccas bastion in Nicosia, a matter which was taken up by the Security Council in July 1995, Turkey has continued unabated its blatant disrespect of Cyprus' sovereignty and territorial integrity. Thus, on 23 August 1995, a formation of two Turkish airforce RF4, aerial reconnaissance aircraft, entered Cyprus airspace at 1143 hours and flew over Cyprus, first in a west-east direction from Morphou Bay to the Karpass Peninsula, and then in an east-west direction, from the Karpass peninsula along Cyprus' southern coast to Paphos, exiting Cyprus' airspace at 1230 hours in the direction of Turkey.

On behalf of the Government of the Republic of Cyprus I wish to protest strongly the new violation of the airspace of the Republic, which is indicative not only of Turkey's customary disrespect of the sovereignty and territorial integrity of a neighbouring country but also of the disrespect Turkey shows for the Charter of the United Nations and for the resolutions and decisions of the General Assembly and Security Council on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Alecos SHAMBOS
Permanent Representative
of the Republic of Cyprus
to the United Nations

95-26220 (E) 250895 280895

UNITED
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28 August 1995

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Forty-ninth session
Agenda item 105

REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

Prototype of a new format of the medium-term plan

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee an Administrative and Budgetary Questions has considered the report of the Secretary-General on the prototype of a new format of the medium-term plan contained in document A/49/301. In the course of the Committee's deliberation, the Controller provided additional information on the subject.

2. As stated in paragraph 1 of the report of the Secretary-General, the prototype of a new format of the medium-term plan has been prepared in response to section I.B of General Assembly resolution 48/218 A of 23 December 1993, in which the Assembly reiterated its request to the Secretary-General to submit the prototype to the Assembly at its forty-ninth session, through the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions.

3. The Advisory Committee recalls that the Committee for Programme and Coordination, during the second part of its thirty-forth session, considered and welcomed the proposed new format of the medium-term plan, which would consist of a perspective and a programme framework for a period of four years, beginning in 1998. The observations and recommendations of the Committee for Programme and Coordination on the new format of the medium-term plan are contained in its report. 1/

4. The prototype of the medium-term plan, as submitted by the Secretary-General, takes into account the recommendation of the Committee for Programme and Coordination that the current medium-term plan should be replaced by a document containing the following elements:

(a) A perspective, which would be a concise forward-looking policy document. It would contain an analysis of persistent problems and challenges and emerging trends that would need to be addressed by the international community within the next four to six years and the role of the Organization in that undertaking. The perspective would indicate broad priority areas for the work of the Organization; it would be amended only if pressing needs of an unforeseeable nature arose during the period covered;

(b) A programme framework, which would list only major programmes and subprogrammes and would provide guidelines against which the preparation and implementation of the budget would be assessed. The narrative of each programme should consist of a brief one-page chapter detailing its objectives and mandates. The programme framework should be reviewed regularly every two years in the off-budget year in an effective manner to reflect new mandates.

5. In paragraph 6 of his report, the Secretary-General outlines his vision of a perspective, which would cover a period of four years, beginning 1998. The Advisory Committee, bearing in mind section I.B of General Assembly resolution 48/218 A (see A/49/301, paras. 2 and 3), believes that a six-year cycle for the perspective would be more consistent with the use of the perspective as a "forward-looking policy document". At the same time, the Committee points out that there are several issues related to the perspective that require further clarification by the Secretary-General, considering the requirements outlined in paragraph 4 (a) above. For example, it is not clear how "broad priority areas for the work of the Organization" will be determined, what the criteria will be for amending the perspective and what the exact meaning could be of "pressing needs of an unforeseeable nature".

6. In paragraphs 7 to 13 of his report, the Secretary-General describes the programme framework. The Committee notes from paragraph 10 of the report, that "the programme framework would be congruent with organizational lines". As stated in paragraph 7 of the report, "congruence would also enhance accountability by ensuring that responsibility is clearly identified for the delivery of a programme and for achieving the results the programme is meant to produce". The Advisory Committee points out that while the structure of the medium-term plan can be congruent with organizational lines, it should always be recognized that it emanates from legislative mandates. In this connection, the Advisory Committee notes the recommendation of the Committee for Programme and Coordination that "the relevant legislative mandates should be indicated in the narrative of the programmes". 2/ The Advisory Committee points out that regulation 3.6 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation stipulates that the medium-term plan shall be presented by programme and objective, and not by organizational unit, and that rule 103.6, paragraph (d) (iv), which applies to substantive activities, reads as follows:

> "The subprogramme structure shall be based on objectives rather than on the internal administrative structure of the Secretariat unit responsible for the programme".

These provisions would have to be amended to conform to the new structure of the medium-term plan, if adopted.

7. The Committee points out that the relationship between the programme framework and the budget outline needs to be indicated, since both documents will be submitted in the off-budget year. The Advisory Committee cautions against any merger of the two in order to avoid the development of a full-scale budget exercise one year before the proposed programme budget itself is actually presented.

8. The Advisory Committee also points to the need to ensure that the text of the proposed programme budget is consistent with and makes explicit reference to the objectives stated in the medium-term plan. To this end, relevant indicators in the proposed programme budget should, to the extent possible, be described with reference to programme objectives.

9. The Advisory Committee notes from paragraph 12 of the report of the Secretary-General that the new format of the medium-term plan would lead to a consolidation of subprogrammes and to a reduction in their number. In this connection, the Advisory Committee notes that in its report the Committee for Programme and Coordination stated its understanding that "annexes I and II to document A/49/301 were for illustrative purposes only". 3/ The Advisory Committee was provided with additional information on the relationship between programmes in the current medium-term plan and the proposed new format, which is reproduced in annex I below. The Committee was also provided with a timetable for the introduction of new procedures related to the medium-term plan, which is reproduced in annex II below. The Committee requests the Secretary-General to provide information to the General Assembly on the implementation of this schedule thus far. The Advisory Committee trusts that in the process of consolidation, all mandates will be preserved unless it is specifically decided otherwise by the respective intergovernmental bodies. Furthermore, the Committee requests the Secretary-General to clearly explain the rationale for the consolidation of subprogrammes and the criteria for dividing certain programmes among organizational units.

10. The Advisory Committee shares the view of the Secretary-General that the usefulness of the medium-term plan as currently conceived "has been increasingly called into question both within the Secretariat and among Member States" (A/49/301, para. 2). The Advisory Committee therefore recommends approval of the proposed new format of the medium-term plan, provided that the observations of the Advisory Committee reflected in the above paragraphs, if approved by the General Assembly, are fully taken into account. It is also the understanding of the Advisory Committee that, should the Assembly approve the proposal of the Secretary-General, he will submit for consideration by the Assembly the necessary revisions to the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

Notes

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 16 (A/49/16), part two, paras. 110-114.

2/ Ibid., para. 110 (b).

3/ Ibid., para. 110 (a).

ANNEX I

Relationship between programmes in the current medium-term plan and the proposed new format

Programme (new format)	Organizational unit	Programmes in the current medium-term plan
1. Political affairs	Department of Political Affairs	1. Good offices, preventive diplomacy, peacemaking, peace-keeping, research and the collection and analysis of information (part) 2. Political and Security Council affairs (part) 3. General Assembly affairs 4. Department of Political Affairs (part) 5. Question of Palestine 6. Elimination of apartheid 7. Disarmament
2. Peace-keeping operations	Department of Peace-keeping Operations	1. Good offices, preventive diplomacy, peacemaking, peace-keeping, research and the collection and analysis of information (part) 43. General services (part - field operations support)
3. Outer Space affairs	Office for Outer Space Affairs	8. Peaceful uses of outer space
4. Legal affairs	Office of Legal Affairs	9. International law 10. Law of the sea and ocean affairs

Programme (new format)	Organizational unit	Programmes in the current medium-term plan
5. Policy coordination and sustainable development	Department for Policy Coordination and Sustainable Development	11. Overall issues and policies, including coordination (part) 12. Global development issues and policies (part) 17. Science and technology for sustainable development (part) 19. Natural resources (part) 20. Energy (part) 25. Global social issues and policies (part) 26. Integration of social groups (part) 27. Advancement of women 45. Africa: critical economic situation, recovery and development (part)
6. Economic and social information and policy analysis	Department for Economic and Social Information and Policy Analysis	12. Global development issues and policies (part) 18. Population 24. Statistics
7. Development support and management services	Department for Development Support and Management Services	12. Global development issues and policies (part) 19. Natural resources (part) 20. Energy (part) 21. Public administration and finance 25. Global social issues and policies (part) 26. Integration of social groups (part)
8. Crime prevention and criminal justice	Crime Prevention and Criminal Justice Branch	29. Crime prevention and criminal justice
9. Environment	United Nations Environment Programme (UNEP)	16. Environment
10. Human settlements	United Nations Centre for Human Settlements (Habitat)	22. Human settlements

Programme (new format)	Organizational unit	Programmes in the current medium-term plan
11. Trade and development	United Nations Conference on Trade and Development (UNCTAD)	13. Trade and development 14. Trade expansion, export promotion and service sector development 15. Least developed, land-locked and island developing countries, and special programmes 17. Science and technology for sustainable development (part) 23. Transnational corporations
12. Regional cooperation for development in Africa	Economic Commission for Africa (ECA)	30. Regional cooperation for development in Africa 45. Africa: critical economic situation, recovery and development (part)
13. Regional cooperation for development in Asia and the Pacific	Economic and Social Commission for Asia and the Pacific (ESCAP)	31. Regional cooperation for development in Asia and the Pacific
14. Regional cooperation for development in Europe	Economic Commission for Europe (ECE)	32. Regional cooperation for development in Europe
15. Regional cooperation for development in Latin America and the Caribbean	Economic Commission for Latin America and the Caribbean (ECLAC)	33. Regional cooperation for development in Latin America and the Caribbean
16. Regional cooperation for development in Western Asia	Economic and Social Commission for Western Asia (ESCWA)	34. Regional cooperation for development in Western Asia
17. International drug control	United Nations International Drug Control Programme	28. International drug control
18. Human rights	Centre for Human Rights	35. Promotion and protection of human rights

Programme (new format)	Organizational unit	Programmes in the current medium-term plan
19. Humanitarian affairs	Department for Humanitarian Affairs	37. Emergency humanitarian assistance
20. Protection and assistance to refugees	Office of the United Nations High Commissioner for Refugees (UNHCR)	36. International protection of and assistance to refugees
21. Palestine refugees	United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)	36. International protection of and assistance to refugees
22. Public information	Department of Public Information	38. Public information 39. Conference and library services (part) 44. Services to the public (part) 45. Africa: critical economic situation, recovery and development (part)
23. Administrative services	Department of Administration and Management	39. Conference and library services (part) 40. Administrative direction and management (part) 41. Human resources management 42. Programme planning, budget and finance (part) 43. General services (part) 44. Services to the public (part)
24. Internal oversight	Office of Internal Oversight Services	40. Administrative direction and management (part) 42. Programme planning, budget and finance (part)

ANNEX II

Schedule for preparation and review of the medium-term plan for the period 1998-2001

1995

January	Instructions to programme managers for preparation of the medium-term plan for the period 1998-2001
January-October	Drafting of the medium-term plan by programme managers
February-October	Consultations on the medium-term plan with and/or review by intergovernmental bodies which do not meet in 1996, or which meet during or after the Committee for Programme and Coordination in 1996
November	Submission of the draft medium-term plan by programme managers to the Office of Programme Planning, Budget and Accounts for central review

1996

January-April	Review of the draft medium-term plan by specialized intergovernmental bodies (where applicable)
February-March	Central review and finalization of the draft medium-term plan, including the perspective
End-March	Approval of the proposed medium-term plan by the Secretary-General for submission to the General Assembly
May-June	Review of the proposed medium-term plan by the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions
July	Review of the proposed medium-term plan by the Economic and Social Council
October-December	Review and approval of the proposed medium-term plan for 1998-2001 by the General Assembly

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